



## **AGENDA MEMO**

**CITY COUNCIL MEETING DATE: SEPTEMBER 20, 2006**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ZON-15045 - APPLICANT: EVE MAZZARELLA - OWNER:  
408 S SEVENTH ST, LLC**

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### **\*\* CONDITIONS \*\***

Staff recommends DENIAL. The Planning Commission (4-2/sd/se vote) recommends APPROVAL, subject to:

#### **Planning and Development**

1. A Resolution of Intent with a two-year time limit is hereby granted.
2. A Site Development Plan Review (SDR-15043) application approved by the City of Las Vegas is required prior to issuance of any permits, any site grading, and all development activity for the site.

#### **Public Works**

3. Submit a Reversionary Map for this site or coordinate with the City Surveyor to determine an acceptable mapping method; comply with the recommendations of the City Surveyor.
4. Dedicate a 10-foot radius on the southwest corner of Seventh Street and Chef Andre Rochat Place prior to the issuance of any permits; coordinate with the Right-of-Way Section of the Department of Public Works for assistance in the document preparation.
5. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
6. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to submittal of construction plans, the issuance of any building or grading permits or the submittal of a map for this site, whichever may occur first. Provide and improve all drainage ways as recommended.

**\*\* STAFF REPORT \*\***

**APPLICATION REQUEST**

This is a request for a Rezoning from R-3 (Medium Density Residential) and R-3 (Medium Density Residential) under Resolution of Intent to P-R (Professional Office and Parking) to C-1 (Limited Commercial) on 0.64 acres at the southwest corner of Seventh Street and Chef Andre Rochat Place.

**EXECUTIVE SUMMARY**

Denial is recommended for rezoning to C-1 (Limited Commercial), as the potential for unlimited building height could threaten the primarily small-scale residential development prevalent in the historic Las Vegas High School Neighborhood. Instead, commercial uses of a more restricted scale are recommended.

**BACKGROUND INFORMATION**

***A) Related Actions***

- |          |   |
|----------|---|
| 08/17/81 | The Board of Zoning Adjustment voted to Strike a request for a Variance (V-0048-81) to allow parking area in conjunction with a professional office building and voted to approve a Variance (V-0054-81) to allow a parking area in an R-3 (Medium Density Residential) Zone at 416 South 7th Street.   |
| 05/18/83 | The Board of City Commissioners voted to approve a Variance (V-0016-83) to allow, as part of a larger request, a satellite patron parking lot on the subject site for a nearby restaurant where such use is not permitted in the R-3 (Medium Density Residential) District, at 408 South 7th Street. The Board of Zoning Adjustment recommended approval. |
| 08/25/83 | The Board of Zoning Adjustment voted to approve a Variance (V-0076-83) that reiterated the Variance previously approved through V-0016-83, and added that parking for the adjacent restaurant be approved for 46 spaces where 55 spaces are required, at 408 South 7th Street.  |
| 11/15/84 | The Board of Zoning Adjustment voted to approve a Variance (V-0123-84) which reiterated the Variance previously approved through V-0016-83. The previous Variance had expired, since it had not been exercised by that date.  |

- 06/04/03 The City Council approved a Rezoning (ZON-2124) from R-3 (Medium Density Residential) to P-R (Professional Office and Parking), a Variance (VAR-2447) to permit 15 parking spaces where 26 spaces are the minimum required and a Site Development Plan Review (SDR-2125) and Waivers of the perimeter landscape requirement, parking standards, and loading zone requirement for a 7,804 square foot office conversion and addition on 0.32 acres on property located at 410 and 416 South 7th Street. The Planning Commission and staff recommended approval. The Resolution of Intent on these properties expired 06/04/05.
- 12/15/04 The City Council approved a Rezoning (ZON-5385) to P-R (Professional Office and Parking), a Variance (VAR-5388) to permit 5 parking spaces where 9 spaces are required, a Variance (VAR-5389) to reduce the lot width to 50 feet where 60 feet is the minimum width required for a P-R (Professional Office and Parking) zoned property and a Site Development Plan Review (SDR-5387) and a waiver of the perimeter landscaping requirements for a proposed 2,342 square-foot house conversion to an office at 408 South 7th Street. The Planning Commission and staff recommended approval.
- 06/01/05 The City Council approved a Review of Condition Number 16 of an approved Site Development Plan Review (SDR-5387) to eliminate the requirement for a joint access agreement with the abutting property for an approved 2,432 square foot conversion of a house to an office on 0.18 acres at 408 South 7th Street. Staff recommended approval.
- 08/24/06 The Planning Commission (3-3 vote on a motion for approval) ended in a tie vote which is tantamount to denial of companion items VAR-15048, VAR-15049, VAR-15596 and SDR-15043 concurrently with this application.
- 08/24/06 The Planning Commission voted 4-2/sd/se to recommend APPROVAL (PC Agenda Item #44/ss).

***B) Pre-Application Meeting***

- 06/23/06 Application requirements for a rezoning, parking variance and site review were discussed. Waivers are required for landscape buffering on all sides except 7th Street. A reversionary or new subdivision map would be required as a condition of approval of the site. Issues included the possibility of no height restrictions if rezoned to C-1 (Limited Commercial) and the proposal to move the existing house at 408 South 7th Street on top of the proposed two story structure. The applicant claimed that this constituted "historic preservation" and had the consent of the building owner. Staff recommended that changes be made to the angled parking configuration to reduce the chance that vehicles could back out onto the public right-of-way. It was noted that this project was located in the Las Vegas High School Neighborhood District, and that the two buildings on the site were contributing to the historic character of the neighborhood.

07/05/06 In a follow-up meeting, it was noted that a variance from the maximum lot coverage standard would be required and that the resolution of intent on two of the parcels had expired. Handicapped parking needs to be provided in the covered parking area as well as in the uncovered parking lot. Building code issues related to the relocation of the existing office on top of the proposed building would need to be discussed further in a meeting with the Building and Safety Department.

***C) Neighborhood Meetings***

A neighborhood meeting is not required as part of this application request, nor was one held.

**DETAILS OF APPLICATION REQUEST**

***A) Site Area***

Net Acres: 0.64

***B) Existing Land Use***

Subject Property: Office, Single-Family Residential  
North: Multi-Family Residential (Apartments)  
South: Parking lot  
East: Las Vegas Academy Playing Fields  
Tennis Courts  
West: Offices (condos), Parking, Restaurant

***C) Planned Land Use***

Subject Property: C (Commercial)  
North: C (Commercial)  
South: C (Commercial)  
East: PF (Public Facilities)  
West: C (Commercial)

***D) Existing Zoning***

Subject Property: R-3 (Medium Density Residential)  
R-3 (Medium Density Residential under Resolution of Intent to P-R  
(Professional Office and Parking)  
North: R-5 (Apartment)  
South: C-1 (Limited Commercial)  
East: C-V (Civic)  
West: C-1 (Limited Commercial)  
P-R (Professional Office and Parking)  
R-4 (High Density Residential)

**E) General Plan Compliance**

The subject site is designated C (Commercial) on the Downtown Redevelopment Area Land Use Map. Office, neighborhood service and general commercial uses are allowed in this area. The proposed rezoning to C-1 (Limited Commercial) would conform to the C (Commercial) classification, if approved.

<b><i>SPECIAL DISTRICTS/ZONES</i></b>	<b>Yes</b>	<b>No</b>
<b>Special Area Plan</b>	<b>X</b>	
Redevelopment Plan Area	X	
<b>Special Overlay District</b>	<b>X</b>	
Historic Neighborhood	X	
<b>Trails</b>	<b>X</b>	
<b>Rural Preservation Overlay District</b>		<b>X</b>
<b>County/North Las Vegas/HOA Notification</b>		<b>X</b>
<b>Development Impact Notification Assessment</b>		<b>X</b>
<b>Project of Regional Significance</b>		<b>X</b>

**Redevelopment Area**

The subject site is located within the Downtown Redevelopment Area, where special funding may be available for proposed projects. Developments are subject to all requirements of Title 19.

**Historic Neighborhood**

The site is also located within the boundaries of the Las Vegas High School Neighborhood District. The district was listed in the National Historic Register on January 30, 1991. The National Historic designation of this property does not affect city of Las Vegas Zoning Code requirements, and separate reviews of this property are not required. The area contains the historic Las Vegas High School building and homes generally south of the school to Gass Avenue. It is noted that recent reviews by the Nevada State Historic Preservation Office have suggested that the Las Vegas High School Historic District is at risk for losing its recognition by the National Register due to significant inappropriate new development.

**Trails**

A multi-use transportation trail is anticipated on both sides of Seventh Street, including the area adjacent to this site. The developer is responsible for constructing the portion of the trail adjacent to the subject site.

## ANALYSIS

### *General Analysis and Discussion*

The Rezoning is requested in conjunction with a proposed three-story large scale office building at the corner of Seventh Street and Chef Andre Rochat Place. The C-1 (Limited Commercial) District allows most retail shopping, office, personal services and some mixed use development. Building height in this district is unlimited, which could threaten the small-scale, primarily residential character of the historic district in which the site is located. It is on this basis that denial is recommended for this request, although commercial uses of a more restricted scale are encouraged.

## FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

**1. “The proposal conforms to the General Plan.”**

The Downtown Redevelopment Plan designates the area along Seventh Street as C (Commercial), which allows a range of office, service and general commercial uses. The proposed C-1 (Limited Commercial) district conforms to this existing designation.

**2. “The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.”**

The surrounding zoning districts consist of a mixture of R-4 (High Density Residential), C-1 (Limited Commercial), P-R (Professional Office and Parking), and R-3 (Medium Density Residential). Several residential structures remain on the same block as the proposed rezoning; however, only two currently contain a residential use. The remaining properties on this block contain commercial uses that would normally be compatible with the proposed C-1 (Limited Commercial) district. In this instance, however, the unlimited building height that the C-1 district would allow is not desirable in this area, as buildings taller than two stories would be out of character with most homes and businesses within the historic Las Vegas High School Neighborhood District.

**3. “Growth and development factors in the community indicate the need for or appropriateness of the rezoning.”**

The subject area includes a portion of the Las Vegas High School Historic Neighborhood, which has rapidly been losing contributing historic structures to redevelopment. While commercial rezoning is appropriate for the area, the C-1 (Limited Commercial) zoning district would allow retail and office developments that may be too intense and incompatible with the residential character of the historic area.

4. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.”**

The property is accessible from Seventh Street and Chef Andre Rochat Place. Both streets are adequate to meet the needs of the proposed C-1 (Limited Commercial District).

#### **PLANNING COMMISSION ACTION**

There were five speakers in favor of the application.

#### **NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 19

**ASSEMBLY DISTRICT** 9

**SENATE DISTRICT** 3

**NOTICES MAILED** 129 by Planning Department

**APPROVALS** 0

**PROTESTS** 0